



08-15-05

Docket No: AM101140  
Patent

170

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: HE, Haiyin; BIGELIS, Ramunas  
Application No.: 10/736,425 Group Art No.: 1621  
Filed: December 15, 2003 Examiner: Karl. J. Puttlitz  
For: ANTIBIOTICS CYAN-416 B, CYAN-416 D, AND CYAN-416 E AND  
ESTER DERIVATIVES OF CYAN-416 B  
Confirmation No.: 3997  
Customer Number: 25291

Mail Stop Amendment  
Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

August 11, 2005

RESPONSE TO RESTRICTION REQUIREMENT

This is in reply to the Office Action mailed on May 18, 2005 which sets a shortened statutory period to expire three (3) months from the date of mailing. The office action is a restriction requirement. Please enter the following response in the above-identified patent application.

REMARKS

The present invention relates certain antibiotics which are useful as anti-bacterials. Claims 1-32 are pending in the application. Restriction has been required among VII classes of the invention.

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER 672185265 US addressed to the Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

August 12, 2005  
Date

Daniel B. Moran  
Daniel B. Moran

The Examiner has required a restriction under USC 121 to one of the following VII groups:

- I. Claims 1, 2, 3, 6, 7, 14-16, 19-22 and 25, drawn to compounds and compositions classified in class 560 subclass 8+.
- II. Claims 4, 5, 17, 18, 23 and 24 drawn to compounds and compositions classified in class 560 subclass 8+.
- III. Claims 8, 9, 10 and 13 drawn to methods of treating classified in class 514 subclass 506+
- IV. Claims 11 and 12 drawn to methods of treating classified in class 514 subclass 506+
- V. Claims 26, 27, 31 and 32 drawn to methods of preparing compounds classified in class 435 subclass 41+
- VI. Claim 28 drawn to methods of preparing esters classified in class 560 subclass 8+
- VII. Claims 29 and 30 drawn to methods of preparing compounds classified in class 568 subclass 700+

Applicants provisionally elect Group I.

Applicants reserve the right to file divisional applications directed to the non-elected subject matter.

Favorable treatment of the application is earnestly solicited.

Respectfully submitted,



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